

Remarks

Claims 1 – 4, 7, 9 – 15, 18, 20, and 21 are pending. Claims 1 – 4, 7, 9 – 15, 18, 20, and 21 presently stand rejected. Claims 4 and 20 have been amended to correct typographical errors. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

35 U.S.C. §102 Rejection

Claims 1 – 4, 7, 9, 10, 12 – 15, 18 and 20 presently stand rejected under 35 U.S.C. § 102(a) and 102(c) as anticipated by U.S. Patent Application No. 2007/0107066 (“Seelig”).

Independent claims 1 and 12 are generally directed to a gaming machine that plays a **bonus feature whose first outcome is guaranteed to be a successful outcome**. After presenting the first successful bonus game outcome, the gaming machine also offers a player a choice between continuing with the bonus feature or ending the bonus feature. If the player chooses to continue the bonus feature, the gaming machine determines (1) a subsequent prize for a successful subsequent outcome, (2) a **probability of a successful subsequent outcome based on the subsequent prize of a successful subsequent outcome and the credits accumulated**, and (3) a subsequent outcome.

The Examiner indicates on page 3 of the Action that Seelig discloses “effecting on the display a bonus feature wherein at least a first outcome is guaranteed to be a successful outcome, (fig. 5).” The Examiner also indicates on page 3 of the Action that Seelig discloses “if the choice is continuing the bonus feature, determining a subsequent prize for a successful subsequent outcome, (fig. 9); a probability of a successful subsequent outcome based on the subsequent prize of a successful subsequent outcome and the credits accumulated, and a subsequent outcome, if the subsequent outcome is a successful outcome, offering through the display the option of continuing with the bonus feature but if the subsequent outcome is an unsuccessful outcome, ending the bonus feature, and forfeiting at most a portion of the credits accumulated, (fig. 9).”

Applicants respectfully disagree.

Seelig does not determine any probability of a successful subsequent outcome that is based on (1) the subsequent prize and (2) the credits accumulated. Instead, the probability of a subsequent prize in Seelig is fixed. Either heads or tails will occur. It cannot be said that the probability is based on (1) the subsequent prize and (2) the credits accumulated.

Therefore, claims 1 and 12 are not anticipated by Seelig, and are allowable.

Claims 2 – 4, 7, 9 – 11, and claims 13 – 15, 18, 20, 21 are dependent from claims 1 and 12, respectively. Therefore, claims 2 – 4, 7, 9 – 11, and claims 13 – 15, 18, 20, 21 are also allowable for at least the same reasons set forth above with respect to claims 1 and 12.

35 U.S.C. §103 Rejection

Claims 11 and 21 presently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seelig in view of GB Patent No. 2114347 (“Arnold”).

Claims 11 and 21 dependent from claims 1 and 12, respectively, and are allowable in view of Seelig as discussed above.

Arnold does not cure the deficiencies of Seelig.

Arnold does not teach or suggest any bonus award guarantee, not to mention any successful first bonus game outcome guarantee. Nor does it disclose any probability of a successful subsequent prize that is based on (1) the subsequent outcome and (2) the credits accumulated. Rather, if a player wins a prize, Arnold discloses automatic wagering of prize. See page 1, lines 29 – 40, and page 1, line 117 – page 2, line 3. That is, Arnold teaches away from combining with Seelig to prompt a player to continue or end a feature game, and thus it would not have been obvious to combine Seelig and Arnold.

Therefore, neither Seelig nor Arnold, either alone or in combination, teaches or suggests claims 1 or 12.

Therefore, claims 11 and 21, which depend from claims 1 and 12, respectively, are allowable for at least the same reasons set forth above with respect to claims 1 and 12.

Conclusion

Applicants respectfully submit that claims 1 – 4, 7, 9 – 15, 18, 20, and 21 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicant's Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation.

Respectfully submitted,

Dated: December 23, 2009

/Larry M. Jarvis/
Larry M. Jarvis
Reg. No. 27,341

McAndrews, Held & Malloy, Ltd.
500 W. Madison Street
34th Floor
Chicago, IL 60661
Phone (312) 775-8000
Fax (312) 775-8100